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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,334	10/14/2003	Terry Brayton	BR64-001	7205
21567	7590	03/02/2005	EXAMINER	
WELLS ST. JOHN P.S. 601 W. FIRST AVENUE, SUITE 1300 SPOKANE, WA 99201			GRAHAM, MARK S	
			ART UNIT	PAPER NUMBER
			3711	

DATE MAILED: 03/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/686,334	BRAYTON, TERRY	
	Examiner	Art Unit	
	Mark S. Graham	3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 December 2004.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
 4a) Of the above claim(s) 4,5,17 and 18 is/are withdrawn from consideration.
 5) Claim(s) 26 is/are allowed.
 6) Claim(s) 1-3,6-16 and 19-24 is/are rejected.
 7) Claim(s) 25 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

In claim 22, line 7, “heal” is misspelled.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 9, 10, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Dean. Dean’s device is capable of having a ball putted in either direction through the aperture towards opposite ends of the frame. Regarding claim 11, there are no particular limits on “near” as recited in the claim and Dean’s sides may be considered “near” the club head.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hazeltine in view of Dean.

Hazeltine discloses the claimed device with the exception of the bridge. However, as disclosed by Dean it is known in the art to provide such. It would have been obvious to one of ordinary skill in the art to have added such to Hazeltine’s game as well to add further interest to it. Hazeltine’s device with a bridge such as Dean’s is capable of having a ball putted in either direction through the aperture towards opposite ends of the frame.

Concerning claims 6 and 7, Hazeltine’s device may be folded at a midpoint or beyond a midpoint of the device.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dean. Dean's device is designed to be placed as desired on the frame. It would have been obvious to one of ordinary skill in the art to have placed it midway on the frame if such an effect was desired by the golfer.

Claims 12, 14, 15, 16, 19, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kantner et al. (Kantner) in view of Dean. Kantner discloses the claimed device with the exception of the bridge. However, as disclosed by Dean it is known in the art to provide such. It would have been obvious to one of ordinary skill in the art to have added such to Kantner's game as well to add further interest to it.

Regarding the claim 11 limitations included in claim 12 and the claim 14 limitations, there are no particular limits on "near" as recited in the claim and Kantner's sides may be considered "near" the club head.

Concerning claims 20 and 21, Kantner affixes his frame to the flexible surface such that the flexible surface is slightly smaller than the frame. However, as disclosed by Dean such frames may be affixed to the surface of a carpeted room which inherently results in the flexible surface being at least as large as the frame.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 12 above, and further in view of Weasley. Claim 13 is obviated for the reasons expressed in the claim 12 rejection with the exception of the resilient portion. However, as disclosed by Weasley it is known in the art to provide such on semicircular golf hole targets. It would have been obvious to one of ordinary skill in the art to have done the same on Kantner's holes if it was desired to practice Weasley's putting method.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jack, Jr. (Jack) in view of Dean. Jack discloses the claimed device and may be used as claimed with the exception of the bridge. However, as disclosed by Dean it is known in the art to provide such. It would have been obvious to one of ordinary skill in the art to have added such to Kantner's game as well to add further interest to it.

Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 22 above, and further in view of Adams. Claims 23 and 24 are obviated for the reasons explained in the claim 22 rejection with the exception of the folding hinged frame. However, as disclosed by Adams such are known in the art. It would have been obvious to one of ordinary skill in the art to have provided Jack's device with such a feature as well if it was desired to make it more portable.

Claim 25 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 26 is allowed.

Applicant's arguments filed 12/23/04 have been fully considered but they are not persuasive for the reasons explained above.

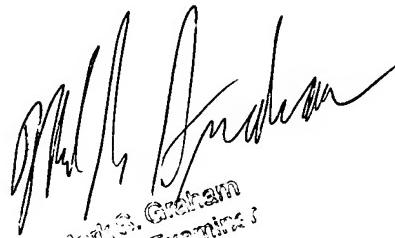
Applicant's arguments with respect to claims 14, 16, 19, 20, 21, and 22-24 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Mark S. Graham at telephone number 571-272-4410.

MSG
2/28/05



Mark S. Graham
Patent Examiner